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LETTER DATED 31 MARCH 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 30 March 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in paragraph 5 of Security Council resolution 970 (1995) of 12 January 1995.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Operations of the International Conference on the Former
Yugoslavia Mission to the Federal Republic of Yugoslavia
(Serbia and Montenegro)

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 5 of Security Council resolution 970 (1995), adopted on 12 January 1995. In that resolution, the Security Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that on 4 August 1994 the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

- (a) "To break off political and economic relations with the 'Republika Srpska';
- (b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia;
- (c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska', except food, clothing and medicine."

3. On 19 September, 3 October, 2 November and 5 December 1994 and 5 January, 3 February and 2 March 1995, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the state of implementation of the above-mentioned measures (S/1994/1074; S/1994/1124; S/1994/1246; S/1994/1372; S/1995/6; S/1995/104 and S/1995/175). The report dated 2 March 1995 contained the following certification from the Co-Chairmen:

"In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that during the past 30 days no transshipments were detected by the Mission

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across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

4. Developments in the past 30 days are dealt with below. Developments in the remainder of the 100-day period will be covered in a follow-up report.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

5. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues to be in force.

6. On 27 March 1995 the Mission Coordinator signed a memorandum of understanding with the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. M. Kertes, to improve control and provide firmer assurances on supplies of humanitarian aid through the Yugoslav Red Cross. In the opinion of the Mission Coordinator, the improvements in control are significant and substantial. With the Yugoslav Red Cross exclusively determining the destination of the goods to limited agencies in the "Republika Srpska", any commercial link that might have existed in the past between supplier and recipient will be much more difficult to sustain. More importantly, the stricter inspection at loading should ensure that no contraband, including war matériel, is concealed in the consignments. These inspection arrangements are now more or less on a par with those applying to the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC).

7. The Mission has received from the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) the following analysis of confiscations along the border with the Republic of Bosnia and Herzegovina for February 1995:

Petrol (gasoline)	12.4 tons
Diesel	13.2 tons
Cigarettes	1.3 tons
Construction material	648 kilograms
Alcohol	2,208 litres
Food items	389 kilograms
Textiles, clothing, footwear	576 kilograms
Fertilizer	19.0 tons
Coffee	110 kilograms
Other goods	1.2 tons
Vehicles	2

For the first time, confiscations of fertilizer have been included in the information provided by the authorities for the month of February.

8. During the month of February, there were 215 customs offence procedures initiated and 41 were finalized. Fines and penalties amounted to 127,300 dinars. During the previous six months, from 4 August 1994 to 31 January 1995, 138 offence procedures were initiated, of which 71 were

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finalized. Fines and penalties during this six-month period amounted to 341,450 dinars. These figures give some indication of the sharply increased number of interceptions of smuggling attempts and confiscations. In the opinion of the Mission Coordinator this reflects a tightened degree of control on the border to Bosnia and Herzegovina by the customs authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) during the last month.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

9. As of 1 April 1995, 163 international Mission personnel will be on duty with the Mission. The Mission personnel to date have come from the following countries: Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America. Because of financial difficulties, no new observers are being taken on to replace those who leave. The number of observers will continue to fall until the minimal threshold of 150 is reached or until such time as the current financial constraints are eased. By the Mission's own calculations, an observer complement below 150 may not be able to provide sufficiently credible information to certify whether the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is in compliance with its decision to close its border with Bosnian Serb-held areas of Bosnia and Herzegovina to all but shipments of humanitarian aid.

10. A new six-month budget for the Mission commencing 1 April was drafted after the 10 March meeting of the Steering Committee. This US\$ 3.66 million budget would, if fulfilled, bring the complement of international observers to 250. An appeal was made to countries members of the Steering Committee to pay their contributions before the end of March to forestall the possible closure of the Mission. The Mission Coordinator personally made this point to embassies in Belgrade during an information briefing on 15 March.

11. The Mission has reacted swiftly to the new fiscal reality presented by the funding crisis by reducing operating costs by 136,000 deutsche mark per month over January costs. Vehicle and office space rental charges have been reduced, and telecommunications expenditures have been cut significantly. As an example of measures undertaken, over the course of the last month the Mission has been able to terminate most of its reliance on hired cars and it is now operating and servicing its own smaller fleet of vehicles. While expenses continue to be reviewed in detail by the Mission, the magnitude of savings that will be generated by future cutbacks is not significant in relation to the overall, persistent problem of inadequate funding.

12. The ferry at Jamena has not been operating since mid-January, and was taken out of the water on the "Republika Srpska" side of the river on 1 February. The high-water level of the Sava River has hindered the effective blockade of the ferry ramp on the Serbian side. On 2 March a second barrier was completed on the ramp and sealed by Mission personnel. This enabled the Mission to close the border crossing-point on 4 March and change its status to a controlled crossing-point. The area will be patrolled by Mission mobile patrols, while it will be

controlled by the police of the Federal Republic of Yugoslavia (Serbia and Montenegro).

13. In order to reduce personnel requirements, the border crossing-point at Raca (Sector Bravo) was closed on 23 March. The crossing-point is a bridge behind the FAP Factory near Priboj. The bridge is sealed by a barrier and will be patrolled by Mission mobile patrols while it will be controlled by the police of the Federal Republic of Yugoslavia (Serbia and Montenegro).

14. The Mission is now covering 19 border crossings 24 hours a day. Of those, two are train stations. There are no other major changes to the list of border crossings between the Federal Republic of Yugoslavia (Serbia and Montenegro) provided as appendix III to the previous report (S/1995/175). In order to staff all remaining border crossings fully, the Mission has been forced to curtail much of its mobile patrolling on the border.

IV. FREEDOM OF MOVEMENT OF THE MISSION

15. The Mission continues to enjoy full freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro).

16. On 14 March, a shooting incident occurred at Krstac (Sector Charlie) where individuals crossing the border from the "Republika Srpska" and the police of the Federal Republic of Yugoslavia (Serbia and Montenegro) were engaged in an extended shoot-out close to the border crossing-point. Mission personnel, protected by the police, had to withdraw and continue their observation from a safe place. On 15 March, the situation was considered to have calmed down and the team returned to the border crossing-point. The Chief of the Montenegrin Cabinet called the Mission Coordinator on 17 March to apologize for the fact that the safety of the Mission personnel had been jeopardized by the incident.

17. Between 16 and 18 March, the situation at the Metaljka and Sastavci border crossing-points (Sector Bravo) became tense when some local civilians, while being thoroughly checked by Customs, threatened Mission personnel. Police chiefs and liaison officers of the army of the Federal Republic of Yugoslavia (Serbia and Montenegro) on the scene expressed their concern and asked Mission personnel not to leave the border crossing-points without police escort. Excellent cooperation with the police and the army should be noted in this case. Tension eased on 20 March.

18. On 17 March, Mission personnel at Nudo (Sector Charlie) were threatened by a local drunk civilian. Customs and police response was inadequate and was reported to higher authority for corrective action. On 20 March, in Kotor (Sector Charlie), off-duty personnel were subjected to verbal assaults from a local drunk civilian. The matter was reported to the police, who initiated an investigation, the results of which are pending.

19. On 22 March, a Mission team in Belgrade port was threatened by a local citizen who forced the team's car door open and threatened to use a gun. The team decided to withdraw instantly, until the security of Mission personnel could be ensured. Immediate contacts were made by the Mission Coordinator with

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Mr. Kertes, who promised to restore security at once. On 23 March, the team returned to Belgrade port, where the police and local security were present and the situation was restored to normal.

20. Since 25 March, as hostilities resumed in Bosnia and Herzegovina, Mission personnel at Trbusnica and Mali Zvornik (Sector Alpha) and Metaljka and Sula (Sector Bravo) have reported periodically hearing heavy shelling from the Bosnian side of the border. They also heard and observed increased air activity - both helicopter and fixed-wing - on the Bosnian side of the border. The situation is being closely monitored by Mission headquarters.

21. In the early morning of 26 March, two off-duty Mission personnel were physically assaulted in Banja Koviljaca (Sector Alpha) by four drunk local citizens. One of them sustained minor injuries and has now returned to duty. The report was forwarded to the police. One of the perpetrators has been already apprehended.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

22. The cooperation with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

23. The operating principle of the Mission is to base itself on its own observations and on information that it has verified. The Mission Coordinator has maintained a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate.

24. With reference to the last monthly report concerning an alleged underwater oil pipeline across the Drina river, the search was continued. The only remotely relevant report on the issue was submitted from Sector Alpha on 26 March, where a mobile patrol team discovered remnants of an old pipeline on the beach, near Citluk (CQ 545055). It extended from the water with an open end, corroded and rusted, with no trace of recent use.

25. Another information report was received on 16 March alleging that:

(a) A temporary bridge was set up near Jagustica on the Drina on 17 February 1995 and has been used since then to transport material to the Bosnian Serb Army. Mission mobile and foot patrols proceeded to the area and found that the course of the river there was about 200 metres below a steep cliff, and no bridge was found. The Mission assessment is that, taking into consideration the nature of the terrain and the location of the area (just opposite the Muslim "Zepa pocket" on the other side of the river), it appears very unlikely that there could be continuous shipping of goods across this part of the Drina;

(b) Military matériel has been passing through four border crossing-points after they close for the day. The Mission assessment is that all four border crossing-points are under observation by Mission personnel 24 hours a day, every day. Therefore it is extremely unlikely that something might pass through the boundary without the Mission's knowledge.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE
TO THE AUTHORITIES

26. On 28 February, a Mission mobile patrol conducted a day survey from Badovinci north to the Sava River. In the process they discovered a smuggling operation in progress 4 kilometres north of Badovinci. The liaison officers of the army of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Serbian Special police were present and confiscated one metal boat, a BMW car and seven 225-litre drums of fuel.

27. The impact of delays caused by thorough Customs searches is reflected in an incident that happened at Badovinci (Sector Alpha) on 7 March. Local farmers established a blockade with their tractors on the cross-border road in protest at farm vehicles not being given priority to cross. Additional militia and the army of the Federal Republic of Yugoslavia (Serbia and Montenegro) were summoned, though it appeared that everyone involved in the protest remained on amicable terms. The next day a meeting was held between the Head of Sector and local authorities and the problem was solved by giving the farmers with tractors priority in crossing the border during the early hours of the morning.

28. During some periods in March, the performance of the customs officers at the four border crossing-points in Sector Alpha declined noticeably. On the surface, it appeared that the checking level of buses was maintained and that there were numerous denials of vehicles. Under the surface, however, it appeared that confiscations had dropped substantially, that the thorough searches of vehicles were not up to the previous standards and that a more relaxed attitude was taken generally about allowing significant excess quantities through the border. The Mission Coordinator met the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro) on 27 March to discuss the situation. The Director of Customs had already given very strict instructions to the customs personnel on the ground. He also indicated several personnel changes, i.e. dismissals of customs officers who were "too relaxed in their performance". In all other sectors, the Mission Coordinator confirms good cooperation, good standards of performance and very good work generally by customs.

29. On 13 March, it was reported from Badovinci that two buses with unarmed but uniformed soldiers were allowed to cross into Bosnia and Herzegovina. The Mission Coordinator lodged a formal, high-level protest concerning this matter the following day. Senior authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) promised to take immediate action, and similar incidents have not been reported since.

30. There have been some attempts in Sector Charlie, particularly in the Vracenovici-Crkvice area, to dismantle the barriers that are blocking the tracks

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in the border areas with Bosnia and Herzegovina. The police, together with military personnel, have been rebuilding and reinforcing barriers in the area. The Special Envoy of the Mission Coordinator has had discussion with the Second Army Headquarters of the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure that a correct up-to-date barrier plan is in place. It has been agreed that a greater degree of delegation of responsibility for minor adjustments to the barrier plan needs to be made and that contacts at working level should be between the Head of Sector Charlie and the Liaison Officer of the army of the Federal Republic of Yugoslavia (Serbia and Montenegro). On 20 March, two barriers in this area were partially dismantled and traces of trucks were visible. On 22 March, a Mission mobile patrol found fresh traces of trucks around the restored barriers. On 24 March, a mobile patrol spotted a smuggling attempt from the Bosnia and Herzegovina side (two trucks with timber). The would-be smugglers had to withdraw to Bosnia and Herzegovina. On 26 March, mobile patrols once again discovered traces of smuggling activity - spills of fuel and truck traces around bypasses. A liaison officer of the army of the Federal Republic of Yugoslavia (Serbia and Montenegro) claimed that the army did not have enough manpower to cover all bypasses.

31. Bold smuggling attempts are still taking place on the Vilusi and Vracenovici bypasses (Sector Charlie), where the barriers were partially dismantled on 13 March. This problem was solved at the local level by agreement between the army, the police and the Mission. On 15 March the barriers were restored and reinforced. The areas are now also being patrolled frequently by the army and police. The result so far is that two attempts to smuggle fuel across the border have been uncovered.

32. Another possible breach has been detected by the local customs in Belgrade, when they screened (X-ray) 50 per cent of a postal shipment on 11 March and refused a large proportion of the packages, which they considered to be trade.

33. During the period from 13 to 19 March, traffic volumes at all border crossing-points between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the "Republika Srpska" were recorded. Below are the Mission's main findings and observations:

(a) A daily average of 28,850 persons crossed the border at the border crossing-points in both directions during the week, either on foot or in vehicles. The busiest border crossing-points, accounting for more than half of the total traffic volume were Sremska Raca (A02) in Sector Belgrade and Badovinci (A04) and Trbusnica (A06), both in Sector Alpha;

(b) At Sremska Raca, the average daily traffic across the border in both directions was 6,832 persons travelling in 1,113 cars, 167 buses, 167 trucks and 16 tractors or walking. In Badovinci the number of persons crossing averaged 4,697 persons either on foot, or in one of the 1,822 cars, 32 buses and 488 tractors crossing. At Trbusnica, the average number of persons crossing in both directions was 4,345 persons in 1,745 cars, 23 buses and 131 tractors or on foot;

(c) At the remaining 16 border crossing-points average daily traffic flow ranged from a low of 38 persons, 13 cars, 1 bus and 2 tractors at border

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crossing-point Sula (B19) in Sector Bravo to 3,655 persons in 1,345 cars, 37 buses, 8 trucks and 75 tractors in Mali Zvornik (A09) in Sector Alpha. The Mali Zvornik foot bridge (A10) was used by an average of 3,360 pedestrians crossing the border in both directions on a daily basis;

(d) At the train stations in Proboj and Uzice a daily average of 183 railway cars was sealed and 9 trains crossed the border in both directions;

(e) During the period from 1 to 26 March 1995, Sector Belgrade sealed 1,643 trucks and trailers with a total volume of 22,622 tons of humanitarian aid. During the same period, Sector Charlie also sealed 221 trucks carrying 198 tons of humanitarian aid. Trucks are permitted to cross the border into "Republika Srpska" only at Sremska Raca in Sector Belgrade and Vilusi in Sector Charlie, with occasional UNHCR convoys allowed at Mali Zvornik in Sector Alpha and Kotroman in Sector Bajina Basta. Trucks are subject to normal customs checks at the border crossing-point when leaving the Federal Republic of Yugoslavia (Serbia and Montenegro) and are not allowed to carry fuel in belly tanks. During the period from 1 to 26 March, 108 trucks were denied crossing to "Republika Srpska" for extra fuel or minor customs violations;

(f) Also during the same period, customs reached an overall thorough checking level of 21 per cent on unscheduled long-distance buses entering "Republika Srpska" with 368 of 1,768 buses being fully checked and the remaining being controlled with very good partial checks. In total, 101 buses were denied crossing, mainly for carrying excess amount of commercial goods, including fuel, and 1,858 cars and 299 tractors were denied for similar reasons.

34. In March, United Nations airfield monitors working at civilian radar screens at Surcin Airport near Belgrade observed 26 tracks of likely helicopter flights moving from Bosnia and Herzegovina into the Federal Republic of Yugoslavia (Serbia and Montenegro). While none was observed by Mission personnel from the ground, these clearly constituted border violations. Officers of the Federal Republic of Yugoslavia (Serbia and Montenegro) continued to deny their existence or origin even in the face of comprehensive, credible technical information. There are no reports of those helicopters travelling from the Federal Republic of Yugoslavia (Serbia and Montenegro) back into Bosnia and Herzegovina. Therefore, for the airspace above the border, the Federal Republic of Yugoslavia (Serbia and Montenegro) is not closing its border with Bosnia. This is particularly perplexing inasmuch as the efforts of the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance its closure of the land border during March and in keeping with its commitment have been broadly effective. The Mission will be looking once again at whether anything can be done to enhance the information available on border crossings by air.

VIII. CERTIFICATION

35. In light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, and based on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, and aside from the

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reported tracking of helicopters crossing the border, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the land border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that during the past 30 days there were no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina.

36. The Co-Chairmen will provide an additional report before the expiration of the 100-day period.
